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C O N F I D E N T I A L SECTION 01 OF 04 USUN NEW YORK 000779

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TAGS: [PREL](#) [UNSC](#) [KUNR](#) [IN](#) [JA](#) [PK](#) [IT](#)
SUBJECT: INDIAN UNSC REFORM GAMBIT: LOTS OF SOUND AND FURY,
SIGNIFYING MORE THAN BEFORE

REF: A. BEIJING 5969

[1](#)B. KUMAR-BROWN UNCLASS E-MAILS (9/10-9/17)

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

[1](#)1. (C) Summary. The last few meetings of the 61st UNGA session of the Open-Ended Working Group (OEWG) on UNSC reform, held between September 11-14, featured much more controversy than usual in the fourteen-year history of the working group. After President of the General Assembly (PGA) Khalifa refused to call for "intergovernmental negotiations" on UNSC reform in her report on the OEWG to the 62nd UNGA, a group of 25 countries led by India tabled a draft resolution calling on the new PGA to begin these talks on the basis of a framework that hews closely to the G-4 model for UNSC expansion. Pakistan, Italy, Egypt, and other members of the Uniting for Consensus (UFC) bloc fought back that the draft resolution was an affront to the PGA and an effort to impose a particular model of UNSC reform on the broader membership. The P5 mostly supported the PGA's approach and called for consensus decision-making in the OEWG, although China took a harder line against the Indian draft while the UK and France took a softer position. The PGA eventually brokered a compromise on her report that led India and its allies to withdraw their resolution in exchange for a reference in her report to "intergovernmental negotiations" on the basis of progress achieved in the 61st UNGA-- meaning the efforts of the two OEWG facilitators appointed by the PGA for 2006-7 who concluded there was no consensus behind any particular approach to UNSC expansion and suggested consideration of interim expansion options. End Summary.

PGA Khalifa Upsets G-4

[1](#)2. (U) Every year since the OEWG first convened in 1993, the PGA has sent a report to the UNGA describing the working group's work. In each of these years, the UNGA endorsed these reports and adopted the draft "decision" contained therein to extend the OEWG for another year and inscribe UNSC reform as an item on the agenda of the next UNGA session. Beginning in July 2007, PGA Khalifa began discussions on the text of the 61st UNGA report on the OEWG. After a year in which facilitators appointed by the PGA explored several UNSC reform options with member states -- but concluded that none enjoy consensus support -- G-4 representatives urged Khalifa to propose that the 62nd UNGA begin "intergovernmental negotiations" (presumably on a draft resolution to amend the UN Charter) to expand the UNSC. After UFC members such as Pakistan and Egypt told her privately these negotiations

would be premature, Khalifa refrained from including any reference to them in her report. She also ultimately agreed to a UFC demand to delete a preambular reference in the report to the need to complete UNSC reform in the 62nd session of the UNGA. Upon receiving a draft version of her report dated September 10, G-4 PermReps expressed anger that the PGA had rejected their requests and acceded to the wishes of the UFC.

India Tries a Gambit

13. (U) Soon after the PGA released her draft report dated September 10, the Indian Mission along with fifteen other missions circulated a draft "framework" resolution on UNSC reform, which was given the UN symbol L69. This resolution requested that the new PGA to "immediately commence result-oriented inter-governmental negotiations... so as to adopt an outcome preferably before the end of 2007," taking into account the following elements: expansion in both permanent and non-permanent categories, "greater representation to developing countries," and "representation to the developed countries and those with transition economies, reflective of contemporary realities." Most delegates took these "elements" to be code for the G-4 proposal (permanent seats for Japan, Germany, India, and Brazil as well as an expanded number of non-permanent seats) tabled in early 2006. Before it was withdrawn on September 17, L69 had garnered 25 co-sponsors, including South Africa, Nigeria, Congo, Brazil, Jamaica, and several Caribbean and Pacific island nations.

14. (U) Although the Indian Mission described L69 as a response to the PGA's refusal to call for "inter-governmental

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negotiations" in her report, implying it was a tactical ploy to put pressure on the PGA, several delegates were unsure whether India and its allies would push the draft resolution to a vote. If L69 were put to a vote, several delegates from countries in neither of the two UNSC reform camps thought it could attract close to two-thirds support. They thought it was particularly notable that a number of African countries co-sponsored L69, despite the 2006 decision by the African bloc not to endorse the G-4 proposal, and reasoned that even a small degree of African support added to the number of original G-4 supporters, would come close to the two-thirds level. The Japanese told USUN they were unhappy with L69 because India had failed to consult its G-4 partners before tabling the text, but admitted that if pushed to a vote, they would support L69. Although Germany supported India's call for a reference in the PGA's report to "inter-governmental negotiations," it did not explicitly support L69.

Pakistan and Others Fight Back

15. (U) From the moment L69 was first circulated, leaders of the Uniting for Consensus (UFC) group -- mainly Pakistan and Italy, but also Egypt, Argentina, and South Korea -- argued that it was an affront to the current PGA and an underhanded effort to impose a UNSC expansion model on the broader membership through the office of the new PGA. Reports by the two facilitators appointed by the PGA in 2007 concluded there was no consensus behind any particular UNSC reform option and that the UNGA should consider interim UNSC expansion. &So on what basis should these "intergovernmental negotiations" take place?8 the Egyptian PR repeatedly asked. Pakistani PR Akram, who several times engaged in vitriolic exchanges with Indian PR Sen, welcomed intergovernmental negotiations but argued they should be based on the progress achieved by the OEWG thus far -- a reference to the interim SC expansion options. (Note: India opposes interim UNSC expansion options because it fears they will drain momentum from the push for permanent expansion. End Note.) Italian PR Spatafora engaged in less pointed but equally passionate exchanges with his

German colleague and ultimately declared that Italy would accept "any" compromise proposal offered by the PGA.

P5 (Mostly) Observe the Melee

¶16. (C) Throughout the various OEWG meetings, the P5 generally expressed support for the PGA's report and underscored the need for consensus decision-making. China took the most forward-leaning position against L69, calling it a "disputed and rushed" resolution that "could undermine UNSC reform efforts in the future." (Note: In addition to the demarche to Embassy Beijing requesting that the U.S. more actively oppose L69, the Israeli Mission told USUN that the Chinese placed a high-level call to Jerusalem urging opposition to L69. End Note.) Russia argued that any resolution on UNSC reform, even a "framework" resolution that does not actually amend the UN Charter, requires a two-thirds majority per UNGA resolution 53/30 (1998). (Note: This resolution decided not to adopt any resolution on equitable representation in or increase in the membership of the UNSC without the support of at least two-thirds of member states. End Note.) The Russians, however, had instructions to abstain on L69 if it came to a vote -- in contrast to Chinese and U.S. instructions to vote against. True to past practice, the British and French delegations took a softer line on L69, and said they support permanent seats for the G-4 as well as the principle of expansion in both permanent and non-permanent categories.

PGA Finally Strikes a Deal

¶17. (C) After several days of OEWG meetings in which PGA Khalifa repeatedly exhorted delegations to support her draft report without much success, she consulted the main protagonists and announced on September 14 that she had brokered a compromise which enjoyed consensus support. Immediately after making this announcement, she gaveled the OEWG meeting to a close and sent her report to the UNGA plenary for consideration on behalf of the working group. Although India, South Africa, and other L69 co-sponsors later complained that they had not fully supported Khalifa's compromise and that she had exceeded her authority by ending

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discussion in the OEWG, they ultimately withdrew L69 and supported her draft report with the amendments to the draft UNGA decision:

¶18. (U) The final version of the decision, contained in the PGA's report and adopted by the UNGA plenary by consensus, is below (edits are capitalized with original language in brackets):

"The General Assembly, recalling its previous resolutions and decisions relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council, having considered the report of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, which was established pursuant to its resolution 48/26 of 3 December 1993, on its deliberations during the sixty-first session of the General Assembly, bearing in mind the United Nations Millennium Declaration of 8 September 2000, adopted by Heads of State and Government, in which they resolved, in respect of reform of the Security Council in all its aspects, to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects, and recalling the 2005 World Summit Outcome of 16 September 2005, in which Heads of State and Government expressed support for early reform of the Council and recommended that the Council continue to adapt its working methods:

(a) Takes note of the report of the Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council on its work during the sixty-first session of the General Assembly;

(b) Notes with appreciation the Chairperson's initiative to stimulate an active discussion relating to the comprehensive reform of the Security Council by the Working Group;

(c) Urges the Working Group to continue to exert efforts during the sixty-first session, aimed at achieving GENERAL AGREEMENT (vice "progress" in the consideration of...) among member states in the consideration of all issues relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council;

(d) Decides that the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council should be considered during the sixty-second session of the General Assembly, so that further concrete RESULTS (vice "steps") may be achieved, INCLUDING THROUGH INTERGOVERNMENTAL NEGOTIATIONS, BUILDING ON THE PROGRESS ACHIEVED SO FAR, PARTICULARLY IN THE SIXTY-FIRST SESSION, AS WELL AS THE POSITIONS OF AND PROPOSALS MADE BY ALL MEMBER STATES.

(e) Also decides that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth to sixty-first sessions of the General Assembly and drawing on the experience of the sixty-first session, as well as the views to be expressed during the sixty-second session, and also taking into consideration the discussion on the process of implementation of the 2005 World Summit Outcome;

(f) Further decides that the Working Group should submit a report to the General Assembly before the end of its sixty-first session, including any agreed recommendations."

Comment: What Does this Mean?

19. (C) It is tempting to conclude that this year's drama in the OEWG will mean nothing more than it has for the last fourteen years. But this year was slightly different. Both the G-4 and UFC groups are frustrated at the lack of progress on this issue. While UNSC reform may still be far away, the push for "intergovernmental negotiations" could give the new PGA an opportunity to launch discussions on a specific UNSC reform text and try to use his office to muster two-thirds majority support. Although it is difficult to count votes because the OEWG has always operated by consensus, several

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"neutral" delegates thought L69 could come close to reaching the two-thirds threshold with the African support it attracted. If and when that threshold is crossed, the spotlight will shift to the P5 -- whose parliamentary ratification is required for any amendment to the UN Charter to expand the UNSC. In the coming months, therefore, we will have to work with the new PGA and our allies among the UFC to ensure OEWG discussions do not proceed in a manner we cannot support. In doing so, we will in particular need to manage British and French inclinations to support any reform proposal that diverts attention from their own permanent seats on the Council.
KHALILZAD